

**CIVIL SERVICE COMMISSION MINUTES**  
**JUNE 6, 2007**

A regular meeting of the Civil Service Commission was held at 2:30 p.m., in Room 358 of the County Administration Center, 1600 Pacific Highway, San Diego, California.

Present were:

Francesca Krauel  
W. Dale Bailey  
Cheryl Fisher  
A.Y. Casillas  
Barry I. Newman

Absent was:

None

Comprising a quorum of the Commission

Support Staff Present:

Patt Zmary, Executive Officer  
William D. Smith, Senior Deputy County Counsel  
Selinda Hurtado-Miller, Reporting

**Approved**  
**Civil Service Commission**  
**July 18, 2007**

1:30 p.m. CLOSED SESSION: Discussion of Personnel Matters and Pending Litigation

2:30 p.m. OPEN SESSION: Room 358, 1600 Pacific Highway, San Diego, California

COMMENTS: Motion by Newman to approve all items not held for discussion; seconded by Casillas. Carried.

A. Commissioner Casillas: CONSIDERATION OF PUBLIC EMPLOYEE DISCIPLINE (GOV. CODE SEC. 54957(b)) Richard Pinckard, Esq., on behalf of **2007-06**, appealing an Order from the Sheriff's Department.

B. Commissioner Newman: CONSIDERATION OF PUBLIC EMPLOYEE DISCIPLINE (GOV. CODE SEC. 54957(b)) Fern Steiner, Esq., on behalf of **2007-03**, appealing an Order from the Probation Department.

C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: Executive Officer

NOTE: Five total minutes will be allocated for input on Agenda items unless additional time is requested at the outset and approved by the Commission President. **Please be sure to silence your cell phones and pagers.**

## **MINUTES**

1. Approval of the Minutes of the regular meeting of May 2, 2007.

**Approved.**

## **CONFIRMATION OF ASSIGNMENT**

2. Commissioner Casillas: Julie Buechler, Esq., on behalf of 2007-09, appealing an Order from the Sheriff's Department.

**Confirmed.**

## **DISCIPLINES**

### **Findings**

3. Commissioner Casillas: Richard Pinckard, Esq., on behalf of 2007-06, appealing an Order from the Sheriff's Department.

### **FINDINGS AND RECOMMENDATIONS:**

The matter of the appeal of 2007-06, from a written Order of Discipline from the Sheriff's Department was presented to the Civil Service Commission. The Commission appointed Commissioner A. Y. Casillas, one of its members, to hear the appeal and submit findings, conclusions, and recommendations to the Civil Service Commission. Thereafter, the matter was duly noticed and came on for hearing on May 7, 2007. Based on the Findings and Conclusions submitted to the Commission, it is recommended that that the Sheriff's Department's Order of Discipline be affirmed; that the Commission read and file this report; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

**Motion by Casillas to approve Findings and Recommendations; seconded by Newman. Carried.**

4. Commissioner Newman: Fern Steiner, Esq. on behalf of 2007-03, appealing an Order from the Probation Department.

### **FINDINGS AND RECOMMENDATIONS:**

The matter of the appeal of 2007-03, from a written Order of Discipline from the Probation Department was presented to the Civil Service Commission. The Commission appointed Commissioner Barry I. Newman, one of its members, to hear the appeal and submit findings, conclusions, and

recommendations to the Civil Service Commission. Thereafter, the matter was duly noticed and came on for hearing on May 8, 2007. Based on the Findings and Conclusions submitted to the Commission, it is recommended that that the Probation Department's Order of Discipline be affirmed; that the Commission read and file this report; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

**Motion by Newman to approve Findings and Recommendations; seconded by Casillas. Carried.**

## **DISCRIMINATION**

### **Findings**

5. Commissioner Fisher: **Cecilia Padres**, Environmental Health Specialist II, alleging retaliation and political affiliation discrimination by the Department of Planning and Land Use. (Continued from the May 2, 2007 meeting.)

### **FINDINGS AND RECOMMENDATIONS:**

At the regular meeting of the Civil Service Commission on February 7, 2007, the Commission appointed Cheryl Fisher to investigate the complaint submitted by Cecilia Padres, alleging retaliation and political affiliation discrimination by the Department of Planning and Land Use and concurrently referred the matter to the Office of Internal Affairs (OIA) for investigation.

After reviewing all related documentation, the Investigating Officer concluded that the evidence does not support a finding of probable cause that a violation of discrimination laws occurred and recommended that Ms. Padres' Rule VI discrimination complaint be denied; that the Commission approve and file the report with the appended OIA Summary Investigative Report with a finding of no probable cause that Ms. Padres has been unlawfully discriminated against; that the Commission read and file this report; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

**Motion by Fisher to approve Findings and Recommendations; seconded by Bailey. Carried.**

/ / /

/ / /

## **SELECTION PROCESS**

### **Appeals**

6. **Mary K. Gimeno**, Administrative Analyst I, appealing the Department of Human Resources' determination that she is ineligible to compete in the selection process for the classifications of Administrative Analyst II and II.

RECOMMENDATION: Deny Request.

Ms. Gimeno addressed the Commission, stating that she believes she is qualified for the Administrative II and III positions. Susi Kuklinski, HR Services Manager, DHR, was available for any questions the Commission might have.

**Motion by Newman to approve staff recommendation;  
seconded by Bailey. Carried.**

7. **Andy-Rene Gonzalez**, Applicant, appealing his non-selection for the classification of Bookmobile Driver by the County Library.

RECOMMENDATION: Deny Request.

The Commission questioned the Department regarding Mr. Gonzalez' employability for other positions. Rick Needham, Sr. DPO, addressed the Commission explaining that the Department made it clear to Mr. Gonzalez that other positions would be suitable for him, and that the Department would like to work with him in the future. Mr. Gonzalez was not present at the meeting.

**Motion by Bailey to accept staff recommendation;  
seconded by Fisher. Carried.**

## **OTHER MATTERS**

### **Performance Appraisal**

8. **Britni A. Knoerl**, former Intermediate Clerk, Auditor and Controller, requesting an investigation into the preparation of a performance appraisal covering the period January 18, 2005 to January 18, 2006 and requesting to have it sealed.

RECOMMENDATION: Deny Requests.

Mr. Knoerl addressed the Commission on behalf of Complainant stating that the Department violated the performance appraisal appeal process. Susan Budzein, Personnel Officer, Auditor and Controller, acknowledged that

there was a significant delay in filing Complainant's performance appraisal with DHR.

Commissioner Newman appreciated the Department's acknowledgment, but strongly criticized the Department for the untimely filing of the appraisal, knowing that the Auditor and Controller was "hiding" a performance appraisal from another department. Commissioner Newman further stated that he felt Appellant was equally complicit in "hiding" the performance appraisal.

**Motion by Casillas to accept staff report; seconded by Bailey. Carried.**

#### **Extension of Temporary Appointments**

##### **9. Office of the Public Defender**

5 Deputy Public Defenders I (Kaisa Donohue, Amy Hoffman, Paul Parisi, Paul Romero, Emily Rose-Weber)

RECOMMENDATION: Ratify.

#### **Item No. 9 ratified.**

10. **Marin Garrison**, Equipment Operator, appealing alleged flaws in the selection process used by the Department of Public Works (DPW) for the classification of Sanitation Regional Supervisor (SRS). The DPW has rescinded the promotions at issue in this appeal and has requested that the current employment list for SRS be abolished. The Department of Human Resources (DHR) has approved the request. Therefore, since the actions of DPW and DHR comprise that which would be the remedy to a successful Rule X appeal, the request for appeal is moot and there will be no further action in this matter.

Mr. Garrison, as well as Mr. Jeffries commented that they feel they were not given an opportunity to air their concerns and would still like to be heard. Commissioner Krauel responded that should Mr. Garrison have other issues, he can again file with the Commission.

#### **INFORMATION**

11. Richard Pinckard, Esq., on behalf of **2007-08**, withdrawal of an appeal of an Order from the Sheriff's Department.  
(Commissioner Newman)

**Withdrawn.**

12. Public Input.

**OFF-DOCKET ITEMS**

On June 4 and 5, 2007, subsequent to the posting of the agenda for this meeting, the Commission office received a request from the Sheriff's Department to assign hearing officers to two cases that have been appealed to the Civil Service Commission.

In order to place these items on today's agenda, it was necessary for the Commission to accept these off-docket items by a 2/3 vote, finding that these matters came to the attention of the Commission after the agenda was posted and that there was a need to take immediate action. The need was to consider assigning hearing officers to the following cases so that they can proceed in a timely manner in resolving issues of termination and back pay. Because the Commission's next regular meeting was not for six weeks, both the Department and the employees could be disadvantaged by the delay. Therefore, a motion to accept these off-docket items was presented.

**Motion by Krauel to accept Off Docket Items; seconded by Bailey. Carried.**

13. Commissioner Newman: Richard Pinckard, Esq., on behalf of **2007-10**, appealing an Order from the Sheriff's Department.

**Confirmed.**

14. Commissioner Fisher: Julie Buechler, Esq., on behalf of **2007-11**, appealing an Order from the Sheriff's Department.

**Confirmed.**

ADJOURNED: 3:30 p.m.

**NEXT REGULAR MEETING OF THE CIVIL SERVICE COMMISSION:**

**JULY 18, 2007**